

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION

SHERRI R. LOWE,

Plaintiff,

v.

BURLINGTON STORES, INC.,

Defendant.

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No. 3:16-CV-03068-B-BF

**ORDER ACCEPTING FINDINGS, CONCLUSIONS, AND
RECOMMENDATION OF THE UNITED STATES MAGISTRATE JUDGE**

The Court has under consideration the Findings, Conclusions, and Recommendation of United States Magistrate Judge Paul D. Stickney dated March 7, 2017. The Court has reviewed the Findings, Conclusions, and Recommendation for plain error. Finding none, the Court accepts the Findings, Conclusions, and Recommendation of the United States Magistrate Judge.

IT IS THEREFORE ORDERED that Defendant's Partial Motion to Dismiss [ECF No. 7] is GRANTED. The Court dismisses Plaintiff's following claims: products liability; breach of implied warranty; breach of express warranty; breach of contract; battery; assault; and violations of the Deceptive Trade Practices Act. Defendant's Motion to Strike [ECF No. 24] is DENIED as moot. Plaintiff is ORDERED to file a response to the court's *sua sponte* motion for dismissal within 21 days from the date of entry of this order. Defendant is directed not to file a responsive brief unless ordered by the Court to do so.

SO ORDERED, this 29th day of March, 2017.


JANE J. BOYLE
UNITED STATES DISTRICT JUDGE

